

### **REMARKS/ARGUMENTS**

This amendment is submitted in response to the Office Action dated November 28, 2006. Reconsideration and allowance is requested.

Claims 23, 25, 26, 28, 32, 34, 46, 49, and 50 remain in this application.

#### ***Claim Rejection under 35 USC 102***

In the Office Action, claims 23, 25, 26, 32, 46, 49 and 50 were rejected under 35 USC 102(b), as being anticipated by Obayashi et al. (US 4,749,625). "Under 35 USC § 102, anticipation requires that each and every element of the claimed invention be disclosed in a prior art reference..." *Akzo v N.V. v. U.S. Int'l Trade Comm'n*, 808 F.2d 1471, 1 USPQ2d 1241 (Fed. Cir. 1986) cert. denied, 482 U.S. 909 (1987).

The Examiner asserted that Obayashi teaches each and every element of the rejected claims. The Applicants respectfully traverse. Obayashi is directed at an amorphous metal laminate sheet and fails to teach using a shaped substrate. The claims specifically recite a shaped polymer substrate and the coatings which are formed on the shaped polymer substrate. Obayashi fails to disclose anything that resembles a shaped polymer substrate. Therefore the Applicants believe that claims 23, 25, 26, 32, 46, 49 and 50 are not anticipated by Obayashi under *Akzo*.

Nevertheless, in an effort to expedite prosecution and further distinguish all the claims from Obayashi, the Applicants have amended the claims to recite that the shaped polymer substrate is shaped to have an enclosure for enclosing an electronic component. Support for this amendment can be found throughout the originally filed specification including paragraph [0041] of the originally filed application. The Applicants respectfully request that the Examiner reconsider the claims in light of these arguments and amendments.

#### ***Claim Rejection under 35 USC 103***

In the Office Action, the Examiner rejected claims 28 and 34 under 35 USC 103(a), as being unpatentable over Obayashi et al view of Simon (US 4,925,684). In rejecting

claims 28 and 34 the Examiner acknowledged that the teachings of Obayashi did not disclose all of the claimed limitations. However, the Examiner rejected the claims by combining the teachings of Simon and Obayashi to show all of the claim limitations and arguing that

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the structure of Obayashi et al by employing a first surface, a plurality of sidewalls, a peripheral flange for the purpose of forming an enclosure.

The Applicants respectfully traverse. According to *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) and MPEP 2143.01, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose then there is no suggestion or motivation to make the proposed modification. Simon is clearly directed at making food packages with a microwave releasable sealed closure whereas Obayashi is directed at making amorphous metal laminate sheets which can act as EMI shields. If Simon's microwaveable food packages were coated with EMI shields then the microwaveable packages would not work because the electromagnetic radiation used to heat the food in the food package would be shielded. The Applicants believe that modifying Simon's microwaveable container with Obayashi's shield would render Simon's microwaveable container unsatisfactory for its intended purpose because the electromagnetic radiation used to heat food stored in Simon's container would not be able to penetrate Obayashi's shield and heat the contents of the container. At a minimum, the Applicants believe that Obayashi's electromagnetic shield would interfere with the amount of electromagnetic energy entering Simon's container and affect the cooking characteristics of Simon's microwaveable package. It is very likely that Obayashi's electromagnetic shield will reduce the cooking ability of the microwave. The Applicants believe that the proposed modification would make Simon's microwaveable container unsatisfactory for its intended purpose and therefore there is no suggestion or motivation to make the proposed modification. Therefore, under *In re Gordon*, and MPEP 2143.01 there is no suggestion or motivation to make the proposed modification.

Nevertheless, in an effort to expedite prosecution the Applicants have amended the claims. The Applicants respectfully request that the Examiner reconsider the claims in light of these arguments and amendments.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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